

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

FRANCES EARLINE SIMS, individually  
and as dependent administrator of, and on  
behalf of, the ESTATE OF STEVEN  
MITCHELL QUALLS and STEVEN  
MITCHELL QUALLS' heir(s)-at-law,

Plaintiff,

VS.

CITY OF JASPER, TEXAS; TODERICK D. GRIFFIN; STERLING RAMON LINEBAUGH; HEATHER RENE O'DELL, and JOSHUA L. HADNOT,

## Defendants

CIVIL ACTION NO. 1:20-CV-00124  
JURY DEMANDED

**DEFENDANTS, CITY OF JASPER, STERLING RAMON LINEBAUGH, TODERICK GRIFFIN, JOSHUA L. HADNOT and HEATHER O'DELL'S SUPPLEMENT TO MOTION TO COMPEL PSYCHIATRIC EXAMINATION AND MOTION FOR EXTENSION OF TIME TO PROVIDE PSYCHIATRIC EXPERT REPORT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **CITY OF JASPER**, (“City” or “Defendant(s)”), **STERLING RAMON LINEBAUGH** (“Linebaugh” or “Defendant(s)”), **TODERICK GRIFFIN** (“Griffin” or “Defendant(s)”), **JOSHUA L. HADNOT** (“Hadnot” or “Defendant(s)”) and **HEATHER O’DELL** (“O’Dell” or “Defendant(s)”), Defendants in the above-referenced cause, and files this their SupplementTo Motion to Compel Psychiatric Examination and Motion for Extension of Time to Provide Psychiatric Expert Report, and in support thereof, would respectfully show as follows:

## I.

Defendants have requested an examination by Dr. Edward Gripon, Beaumont Psychiatrist in the above-referenced matter. Counsel for Plaintiff has advised he will not agree to the requested examination.

## II.

The Plaintiff made their expert disclosure on October 6, 2020. At that time, they provided a report of a psychologist, relating to his interview and opinions regarding the mental anguish allegedly sustained by the named Plaintiff, Frances Earline Sims. Prior to that time, disclosures by Plaintiff did not reveal medical or psychiatric records for Ms. Sims, the Plaintiff herein.

## III.

Defendants have requested the opportunity for Dr. Edward Gripon to examine the Plaintiff. Defendants believe this examination can be conducted via Zoom or other remote means, and request Plaintiff be ordered to participate in that examination beginning at 11:00a.m. on Wednesday, November 11, 2020. Plaintiff's expert examined the Plaintiff in this manner for approximately 3 hours, and issued an over 11 page, single spaced report based on that examination. See, attached Exhibit "A." Defendants' expert, Dr. Gripon, has issued his 2 page report but requests in said report the opportunity to conduct a psychiatric examination of the plaintiff to better address the impact of the incident as well as the current functioning and capacity of the Plaintiff. See, attached Exhibit "B."

## IV.

Defendants should be allowed this examination to rebut the testimony of Plaintiff's recently identified psychologist. It is a reasonable request and necessary to address the issues raised by Plaintiff's designated expert. The designation of an expert to address the alleged mental anguish of a plaintiff is rare, and Defendants should be allowed to have their expert do what he deems necessary to address the issues raised by Plaintiff's expert. Defendants also request following said examination Dr. Gripon be allowed 7 days from date of examination to supplement his report in this matter.

WHEREFORE, PREMISES CONSIDERED, Defendants, **CITY OF JASPER, STERLING RAMON LINEBAUGH, TODERICK GRIFFIN, JOSHUA L. HADNOT** and

and **HEATHER O'DELL** requests the court enter an order instructing Plaintiff to appear for a psychiatric examination by Dr. Edward Gripon at 11:00a.m. on Wednesday, November 11, 2020, and an extension of the Defendants' deadline for Dr. Gripon to supplement his report in this matter until 7 days after the date of the psychiatric examination, and such other and further relief, both general and special, at law or in equity, to which Defendants may show itself to be justly entitled,

Respectfully submitted,

**CALVERT EAVES CLARKE & STELLY, L.L.P.**

Beaumont Tower

2615 Calder Avenue, Suite 1070

Beaumont, Texas 77702

Phone: (409) 832-8885

Fax: (409) 832-8886

By: 

Frank D. Calvert

Texas State Bar No.: 03667700

[fcaltvert@calvert-eaves.com](mailto:fcaltvert@calvert-eaves.com)

F. Blair Clarke

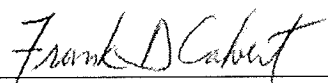
Texas State Bar No.: 04316560

[fbclarke@calvert-eaves.com](mailto:fbclarke@calvert-eaves.com)

**ATTORNEYS FOR DEFENDANTS,  
CITY OF JASPER, STERLING RAMON  
LINEBAUGH, TODERICK GRIFFIN,  
JOSHUA L. HADNOT and HEATHER  
O'DELL**

**CERTIFICATE OF CONFERENCE**

Defendants has conferred with counsel for Plaintiff and this motion is opposed.

  
Frank D. Calvert

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was furnished to all counsel of record by electronic filing on this 2nd day of November, 2020.

  
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Frank D. Calvert